

THE FAYETTE COUNTY PLANNING COMMISSION met on June 2, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Chairman
Arnold L. Martin, III, Vice-Chairman
John H. Culbreth Sr.
Al Gilbert
Brian Haren

STAFF PRESENT: Pete Frisina, Director of Community Services
Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning and Zoning Coordinator

Welcome and Call to Order:

Chairman Jim Graw called the Planning Commission Meeting to order. Chairman Graw introduced the Commission Members and Staff.

* * * * *

Chairman Graw reads the following statement:

Petition 1257-16 originally scheduled for Public Hearing on June 2, 2016 and June 23, 2016 cannot be heard due to an error in the legal ad and rezoning sign. The petition will be heard on July 7, 2016 and July 28, 2016.

1. Consideration of the Minutes of the Meeting held on May 19, 2016.

Al Gilbert made a motion to approve the minutes. Arnold Martin seconded the motion. The motion passed 4-0-1. John Culbreth abstained because he did not attend the meeting.

2. Consideration of a Final Plat of Flowers Field Subdivision. The property will consist of 12 residential lots. This property is located in Land Lot 76, of the 7th District, fronts on Ellison Road, and is zoned R-70.

Dawn Scarborough, Scarborough Group Inc. stated that the plat has been scrutinize over and over again and is ready for final plat approval. She said that it is a 12 lot subdivision on Ellison Road with two (2) acre lots. She added that the last time she was before the Planning Commission she received a variance for the contiguous building area. She stated that all departments have signed off and they are requesting approval.

Chairman Graw asked if anyone had any comments on the plat.

Arnold Martin said no, he thought there had been thorough research and deliberation on this. He thanked her for her diligence.

Chairman Graw asked for a motion.

Arnold Martin made a motion to approve the Final Plat of Flowers Field Subdivision. Brian

Haren seconded the motion. The motion passed 5-0.

3. Consideration of a Minor Subdivision Plat for Martha Eva Richardson Estate. The property will consist of two (2) residential lots. This property is located in Land Lots 229 and 252 of the 4th District, fronts on McBride Road, and is zoned A-R.

Dennis Dutton stated that this was a two (2) lot subdivision with an existing home on one (1) of the lots. He said the other lot that consists of 20 acres will be for a new building site. He added that there is a one-story (1) frame structure on there that will be removed. He stated that staff has gone over this and is ready to present it to you.

Chairman Graw asked the Planning Commission if they had any questions.

Brian Haren asked if there were any conditions.

Dennis Dutton replied no.

Chairman Graw asked if they were any other comments or questions.

Chairman Graw asked for a motion.

Al Gilbert made a motion to approve the Minor Subdivision Plat for Martha Eva Richardson Estate. John Culbreth seconded the motion. The motion passed 5-0.

4. Consideration of Petition No. 1250-16, Ron Zappendorf, Owner, request to rezone 2.45 acres from C-H to M-1 to allow an auto repair, paint and body shop. This property is located in Land Lots 200 and 201 of the 5th District and fronts on SR 85 North.

Ron Zappendorf stated that he owns the proper located at 1591 Highway 85 North which is the property just south of Dixie Land on the same side of the road. He asked for consideration to change his zoning from C-H to M-1 to incorporate auto repair and auto body into my facility. H said that his property is an island of C-H surrounded by M-1 on all corners. He added that he has owned the property for approximately 10 years, and has a business in there now that has been there for the past three (3) in half years.

Chairman Graw asked if anyone would like to speak in favor of the petition. Hearing none he asked if anyone would like to speak in opposition of the petition. Hearing none he brought it back before the Planning Commission.

Arnold Martin asked about the condition for the petition.

Pete Frisina referred the Planning Commission to the report Section E "Concept Plan". He read Section 110-170. of the Zoning Ordinance and it states:

A property that is improved with a legally existing structure, which would become nonconforming in terms of the setbacks only within the zoning district for which a rezoning is being sought, may be considered for rezoning, except as otherwise provided in Article VI. O-I. and Article VII. Transportation Corridor Overlay Zone. Upon approval of the rezoning request, a variance authorized by the Zoning Board of Appeals shall be necessary for the structure to remain within the setback (see Article IX.) Any enlargement, expansion, or extension of said structure which serves to increase nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the Zoning Board of Appeals. Any new structure shall comply with the dimensional minimum requirements herein.

Pete Frisina stated that we determined the side would go from 15' to 25' and the front has a 100' setback on it. He said that the building is within the front setback of 100' and the side setback of 25'. He added that Ron has 180 days to go before the Zoning Board of Appeals to seek a variance for those two (2) encroachments.

Chairman Graw stated that he would read the condition, and have Mr. Zappendorf come up and say yes or no to the condition.

1. That a variance for the existing building's encroachment into the side yard setback and front yard setback be obtained from the Zoning Board of Appeals within 180 days from the effective date of this rezoning. If the variance is denied, the owner/developer agrees to take all necessary action consistent with the direction of the Zoning Board of Appeals. If the owner/developer fails to take action to obtain a decision from the Zoning Board of Appeals within 180 days and that time period has expired, the property owner agrees to remove that portion of the existing building encroaching into the side yard setback and front yard setback within 30 days from the date of the expiration. *(This condition is required for compliance with the Zoning Ordinance, Section 110-170.)*

Chairman Graw asked Ron Zappendorf if he agreed to the condition.

Ron Zappendorf replied yes.

Arnold Martin asked Ron Zappendorf what happens to the disposal of the paint for environmental purposes.

Ron Zappendorf replied that everything will be OSHA certified and approved. He stated that it is pretty difficult now to purchase wholesale paint items without the proper use of storage facilities and the walkthroughs done by the Fire Department. He said the Fire Department checks all cabinets to make sure they are all closed with all items stored in containers. He added that they have always been in compliance and have never had an issue. He stated that they plan on using a waterfall down draft booth which is one (1) of the most efficient ways and all impurities are taken into water and are filter out and then it is tanker off site. He said that this was the facility that had issues with the septic tank not being located in the correct area and we have followed that to the "t" with a total bill of \$25,000. He added that what it takes to do it correctly the first time we are prepared to do.

Chairman Graw asked if there were any other questions. Hearing none, he asked if anyone had a motion.

Al Gilbert stated that he would make a comment then a motion. He said that M-1 is not unusual up S.R. 85 North. He added that the property on the opposite side of the road from Mr. Zappendorf just north of the pavilion up to Robert's Road is M-1 or M-2. He reiterated that type of zoning is not unusual up S.R. 85 North.

Al Gilbert made a motion to recommend approval of Petition 1250-16 with one (1) condition. Brian Haren seconded the motion. The motion passed 5-0.

5. Consideration of Petition No. 1256-16. Claudine B. Morris, Christine B. Thornton, & Betty S. Shubert, Owners and Randy Boyd, Agent request to rezone 100.967 acres from A-R to R-50 to develop a single-family residential subdivision with 68 lots. This property is located in Land Lots 104 of the 7th District and fronts on Dogwood Trail.

Randy Boyd stated that he would be presenting this petition on behalf of Claudine Morris and Christine Thornton who owned the 50 acres to the east on the site plan and Betty Shubert who owned the 50 acres to the west on the site plan. He said that there are two (2) owners on this property which is currently zoned A-R and their request is R-50. He added that this property back on May 7th last year went to the Phase one (1) of Annexation for Peachtree City. He stated that the annexation with Peachtree City is a two (2) phase process. He said that you submit a generalization to the Peachtree City Council, they look at it, and if they're interested they will recommend it for phase two (2). He added that a local developer had proposed 99 lots on this same piece of property of 100 acres; he was denied the Phase one (1) approval. He stated that the south line of this property abuts the corporate limits of Peachtree City; to the north of the property about a half a land lot away (1500 sq. ft.) is Tyrone; to the west about 1500 sq. ft. or half a land lot away is Crabapple Lane. He said that the property was sandwiched in between Peachtree City and the Town of Tyrone. He proposed 68 lots for the 100 acres. He stated that R-50 has a minimum house size of 2,100 square feet. He asked that they considerate it and thinks it is appropriate for the area. He stated that he read the minutes from the Peachtree City Council, and a lot of the residents from the Kedron Hills property which is zoned R-22; with a minimum lot area of 22,000 sq. ft. had a lot of concerns about the 99 lots on this property's 100 acres. He said that we of course are one (1) acre minimum with the 68 lots; Kedron Hills would like to see a more step down zoning with larger lots further north. He added that it was still turned down by Peachtree City Council, but believes that their concerns were satisfied. He asked they approve it as submitted.

Chairman Graw asked if there was anyone that would like to speak in favor of the Petition. Hearing none he asked if there were anyone here who would like to speak in opposition of the Petition.

Scott Beamer President of the Kedron Hills HOA stated that he represents 200 homes in the subdivision. He stated that the Kedron Hills HOA joined the Kedron Estates HOA which has 65

homes give or take. He said that predominately all of his neighbor's sentiments toward the rezoning are negative. He added that this has already come before Peachtree City and did not get any traction. He stated that the land use is A-R and everything that surrounds it is A-R. He said the developer is just trying to go around the annexation process to get the property rezoned. He added that he has had this fight with Peachtree City and doesn't understand why we are changing the land use plan from what it is A-R to R-50. He stated that 2,200 square feet doesn't even approximate what is built in Kedron Hills, and he hasn't seen a house sale for less than a half million dollars in Kedron Hills in last few months. He said if they are going to build 2,200 sq. ft. homes they will be completely dissimilar to what's directly south of them in Peachtree City. He added if they wanted to build bigger homes and increase the value of the homes that may have bearing on the argument. He stated that this project has no positive impact on Kedron Hills and Estates. He said if you look at the plat the north boundary is Dogwood Trail; the west boundary is Crabapple Lane; according to your traffic study there will be 650 (guess) additional car movements a day, and a large portion will come down Dogwood Trail and turn left on Crabapple Road and come through my subdivision and exit onto the parkway. He added that we get more traffic, we get more congestion, and we get no positive out of it. He stated that neighbors are concerned about what this might do to the school's rezoning situation. He said that they fought that battle long ago and now their students go to Crabapple, Booth, and Macintosh. He added that by building this neighborhood will the County come back and look at the school rezoning. He stated that the people along Loring Lane and Astoria Lane are concerned because the project is going to come right down to the north border of Kedron Hills. He said whether we see it, feel the impact, or how that's going to work out; is it 2000 feet, is 1500 feet; is it woods between us and them; what exactly is this thing going to look like once its completed; those are the concerns that people have. He added that he has not received any positive feedback from any of the homeowners he represents. He ended saying that his community would strongly request that they deny.

Chairman Graw asked if anyone else would like to speak in opposition.

Tim Going stated that he lives south of the proposed development and supported what Mr. Beamer said about the symmetry of the development being out of place with the neighboring homes. He said that his major concern was that this development was going to be on septic. He stated that normally those conditions work just fine, but we're on a downward slope from the development and if there should be some sort of accident we will be unable to mitigate the affluent that comes on to the land. He said it would be without barrier and would come into all of their yards. He added that even though these systems are much better design than they were in the past there are failures; didn't see anything in the zoning development that would mitigate these hazards.

Chairman Graw asked if anyone else would like to speak in opposition. Hearing none, he brought it back before the Planning Commission.

Al Gilbert interjected saying that Mr. Boyd gets to rebut.

Chairman Graw apologized.

Randy Boyd stated that the first gentleman that spoke on behalf of Kedron Hills he agreed with him that the houses along the south line are about a half a million dollars. He said that the gentleman mentioned that the 2,200 sq. ft. in our proposed zoning would not be sufficient to match what they have there; he reminded him that the R-22 zoning of Peachtree City that minimum is 1600 sq. ft.; so he thinks the standard has been set in Kedron Hills. He added the Planning Commission does not need to look at the price of the land but under the price of the land now and development cost these lots are probably going to sell for at least \$100,000; if you use a builders rule of thumb that product is going to end up being \$500,000 because the land is 20 percent of the cost of the product. He stated that is not a concern for them because our standard is 2,100 sq. ft. and Kedron Hill's under their present zoning is 1,600 sq. ft.; he believes no one is going to attempt to build that instead they will build larger houses with a nicer product. He mentioned the gentleman had an issue with the land use plan but did not understand what that was all about because the property is zoned A-R now, but it does fit the land use plan for that area, the land use plan suggest lots to be one (1) to two (2) acres. He said that we have 68 lots on 100 acres so, we are well within that realm of what the land use plan calls for. He added that this school system would go to the Sandy Creek Jenkins Road school system; this would not go into the Peachtree City or the Macintosh area school system. He stated that we have four lots backing up to that subdivision on about 1.5 acres and there is about eight (8) or 10 lots backing up because of their R-22 zoning which the minimum lot area is 22,000 sq. ft. and 1,600 sq. ft. house. He said that the lots within there are 7/10th's of an acre or about an acre; no, all those lots in there are not half an acre, but a lot of them are and the net density for that zoning is two (2) lots per acre. He added that we have less than that we are not even getting one (1) lot per acre. He stated that to say it doesn't fit the area is hard to believe; you can take a piece of property that is zoned two (2) lots per acre and then we are going to do a one (1) lot per acre which is basically a step down zoning; how can that be bad for the area. He said that he has been an Engineer / Surveyor in the County for over 35 years and wasn't aware of any major or massive septic tank failures on a number of lots; now, occasionally you will get one that fails, and even that is rare because we do soils analysis on the piece of property and any of the bad areas will be avoided. He added at this juncture we have not done soils analysis on this property so this lot number could get smaller. He stated that a soils analysis level three (3) would be done and then the design would fit that with acceptable soils for the septic tank and drainage field on each lot. He reiterated that he had never seen a mass septic tank failure; there may be an individual lot septic tank failure, but with the guidelines in place now that has become rarer. He added that he has addressed all of the resident's concerns and asked if the Planning Commission had any questions.

Chairman Graw brought it back before the Planning Commission.

Arnold Martin asked Randy Boyd his thoughts toward the traffic and would people be using this subdivision as a cut-through. He added that there are a lot of children in the subdivision; it is a question for any community when there is an increase in traffic count. He asked what Randy Boyd felt about the impact of the traffic.

Randy Boyd replied that he couldn't predict what someone would do, but he finds it hard to believe that someone is going to come out of their subdivision go 1500 ft. to the west; cut through an unimproved gravel road that ties into a subdivision and twist up and down that subdivision. He said if he was going to Peachtree City and lived in the subdivision he would go west on Dogwood, past Farr Road, past Crabapple, and hit Highway 74, turn left and go down toward Peachtree City. He added that if he was going to the expressway he would use that same route and turn to the right and go Highway 74 to Interstate 85. He stated that if he was going to the City of Fayetteville he would go east on Dogwood until it hits Tyrone Road, Highway 54 and then turn left into Fayetteville. He said that he is a civil engineer not a traffic engineer and couldn't see why a person would do that unless they were going to go and visit someone in that subdivision. He reiterated that he found it hard to believe someone would drive through that maze of a subdivision and because the initial road they're getting on is gravel. He said the road isn't wide and not really a great road.

Chairman Graw asked if there was anyone else with a comment.

Chairman Graw stated that the zoning proximity map which includes Peachtree City that has zoning of R-22 which is a minimum of half acre lots (22,000 sq. ft.) and the Town of Tyrone has one (1) acre minimum lots. He said that he doesn't look at surrounding municipalities and what their zoning is and try to make some type of comparison on what "we" the County should be doing for our zoning. He added that if you look at the zoning proximity map there are some spattering's of R-70 in this area; way north there is some R-40 but there is quite a bit of R-70. He stated that it looks like when petitioners have come in in the past they asked for R-70 zoning which is a minimum two (2) acres and they received their R-70. He said that it looks like some Commissions in the past are looking to set a precedent of R-70 in this area. He added that he personally has a problem with one (1) acre zoning in this area; doesn't think it's compatible with the area; it's A-R minimum five (5) acre lots; doesn't think we would be doing the residents of the area who have purchased property in that area thinking they were going to have some compatible zoning. He stated that A-R is not going to always be; there will always be someone coming in asking for a rezoning; the residents that bought are expecting something similar to what they have. He said is it going to always be A-R no; will it be one (1) acre, I personally don't feel it should be, that's my position.

Chairman Graw asked if there was anyone else with a comment.

Brian Haren said that he thought Chairman Graw did a good job of summing up his feelings.

Al Gilbert stated that when people come up and say it's got A-R around it; you need to understand why it's got A-R around it. He said back in 1970 when the County first decided to do a land use map and zoning anything that didn't have a subdivision or a business on it was put in A-R, it was a holding pattern. He added that if we would have said 30 years ago when he first joined the Planning Commission it had A-R around it; there would have never been any development around this County up to this day because everything was basically A-R. He stated that you will hear people use this on occasion; elected officials may use it on occasion; but

you need to understand is it truly A-R, or is it A-R because it's in a holding pattern from back in the early days of zoning.

Chairman Graw stated that he failed to mention if this property were to be zoned one (1) acre it sets a precedent. He said this means that any developer can come in and asked for one (1) acre rezoning, and have a really good bench mark to make their argument. He added that is another reason why he doesn't feel one (1) acre is compatible. He reiterated that it could establish a precedent and not a good precedent.

Al Gilbert stated that we are starting to head in a direction that is starting to bother him. He said that they have always recognized property land use one (1) to two (2) acres, and that one (1) acre zoning is acceptable. He added that last month we decided that it wasn't and this month we are sounding the same. He stated that we are heading in a pattern where we can just say everything in the County from now on will have to be two (2) acres or greater.

Chairman Graw asked is there anyone else.

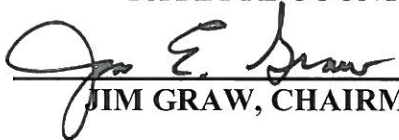
Chairman Graw made a motion to recommend denial of Petition 1256-16. John Culbreth seconded the motion. The motion passed 5-0.

Al Gilbert made a motion to adjourn the meeting. Chairman Graw said the meeting was adjourned at 7:47 pm.

ATTEST:



**PLANNING COMMISSION OF
FAYETTE COUNTY**



JIM GRAW, CHAIRMAN